

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2011-0005
ROW # 16536016

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

TP-0131030608

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 5310 Western Hills Drive, Austin, Texas 78731

LEGAL DESCRIPTION: Subdivision – Western Hills Drive Resubdivision, according to the plat of record in Volume 29, Page 2, Plat Records of Travis County, Texas

LOT: Tract R

I/We Sam R. Perry, as authorized agent for Larry R. Faulkner and Mary Ann Faulkner, affirm that on 12/7, 2010, we

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

X ERECT ATTACH COMPLETE REMODEL MAINTAIN

The carport located on the property is in disrepair. Although it is functional, it would be in the best interest of all concerned that it be replaced with a new carport. The new carport will have the exact same footprint as the original. This carport has been in its current location, at least since the current owners acquired the property in 1998, and presumably long before that.

The carport is set back 12' 10" from the front street and 5' 4" from the side street. Thus, the encroachment is 12' 2" in the front and 9' 8" on the side.

The carport is inside a stone wall located on the north and east sides of the property. The wall is between 7 and 8 feet in height and is about one foot thick. The wall will remain. Thus, the carport has limited visibility from the street or nearby properties, as shown by the pictures that accompany this application. The new carport will be subject to the same limited visibility.

Therefore, the applicant seeks a variance to erect the new carport in the exact location of the old carport, notwithstanding such encroachment.

The property is located in a SF-3 district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The old carport has been in the same location for many years, without causing any problem or complaint. Although it is somewhat in disrepair, it will continue to be usable, even if this application is not granted. However, replacement with a new carport is both preferable and reasonable. It is the logical location for a carport, and maybe the only location. It is of limited visibility from off site. It is a reasonable solution to tear down the old carport and to construct a new carport in the exact same location.

Because of the wall and lack of visibility, there is nothing to gain by attempting to locate a new carport farther away from the lot lines. Therefore, it is unreasonable to prohibit replacing the old carport with a brand new carport in the same location.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

The applicant will simply be replacing an old carport that has been there for many years, with a new one in the same location.

(b) The hardship is not general to the area in which the property is located because: The application concerns only a specific carport on this lot that has been in the same location for many years. Although we have not made any independent investigation, we are not aware of any similar problems in the general area.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

This is a residential area. The carport is a common auxiliary use to the residence, and will only be used for vehicles of residents or guests. It remain a residential use that is unchanged.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

NA

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

NA

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

NA

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NA

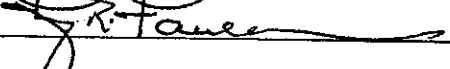
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address: 901 Congress Avenue
City, State & Zip Austin, TX 78701

Printed: Sam R. Perry Phone (512) 494-3145 Date 12-13-10

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 5310 WESTERN HILLS DR.
City, State & Zip AUSTIN, TX 78731

Printed: LARRY R. FAULKNER Phone 512-467-6760 Date 12/9/10

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (4) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (5) Austin Energy approval

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

REQUIRED FINDINGS: All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

Reasonable Use:

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]

Hardship:

- a. Application must demonstrate to the Board how the hardship for which the variance is requested is unique to the property. Hardship should be specific to the property for which the variance is being requested. (For example, topography, lot configuration, or any physical constraint that would limit the placement of the structure or prevent compliance with required site development regulations, etc.) A strictly financial or personal reason is not a valid hardship.
- b. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

Area Character:

Application must demonstrate to the Board how the variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the zoning regulations of the zoning district in which the property is located.

NOTE: Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

Board of Adjustment Staff:

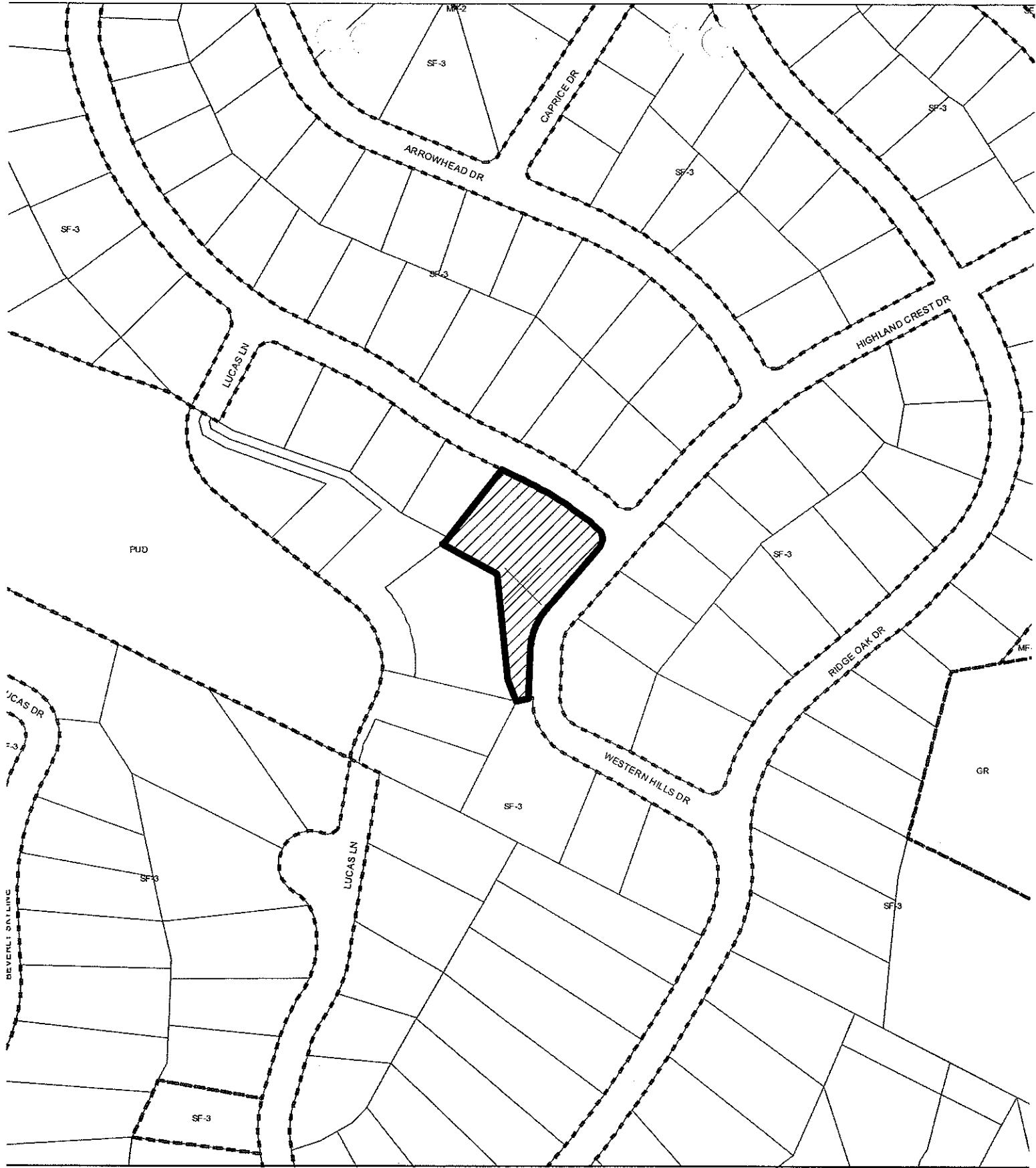
Susan Walker, Planner
974-2202



Diana Ramirez, Administrative Specialist, Board Secretary
974-2241

Fax #974-6536

Planning and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor

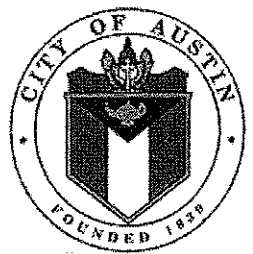
Mailing Address:
P. O. Box 1088
Austin, TX 78767-1088



-  SUBJECT TRACT
-  ZONING BOUNDARY

BOARD OF ADJUSTMENTS

CASE#: C15-2011-0005
LOCATION: 5310 WESTERN HILLS LN
GRID: H28
MANAGER: SUSAN WALKER



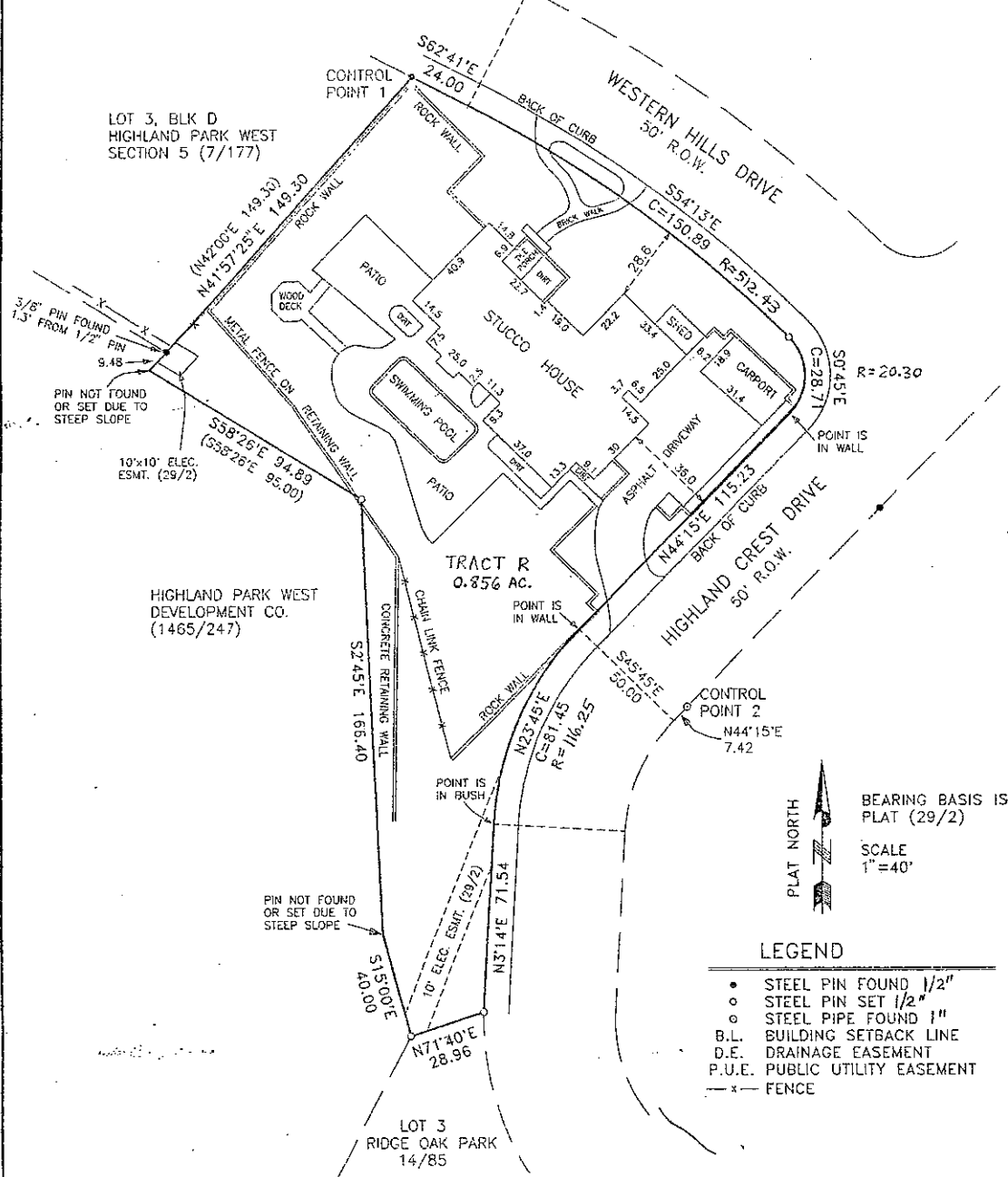
This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



SURVEY PLAT OF:

REFERENCE: TRR-WHDR.DWG
Alamo Title Co. GF92038114

LOCAL ADDRESS: 5310 Western Hills Drive
LEGAL DESCRIPTION: Tract R, Block, Western Hills Drive Resubdivision,
A SUBDIVISION IN/NEAR THE CITY OF Austin, TEXAS AS RECORDED IN
BOOK 29, PAGE 2 OF THE Travis COUNTY PLAT RECORDS.



To Alamo Title Company, Dean Davis, Larry & Mary Ann Faulkner:

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON, AND THAT THIS SURVEY MEETS OR EXCEEDS THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

THIS TRACT IS NOT IN A 100-YEAR FLOOD AREA
ACCORDING TO THE FLOOD HAZARD
RISK MAP COMMUNITY PANEL NUMBER:

48453C 0200 E, dated 6/16/93

DATED THIS 27 DAY OF APRIL, 1998

STUART W. WATSON, REGISTERED
PROFESSIONAL LAND SURVEYOR,
TEXAS LICENSE NUMBER 4756

EXHIBIT 1

LOT 3, BLK D
HIGHLAND PARK WEST
SECTION 5 (7/177)

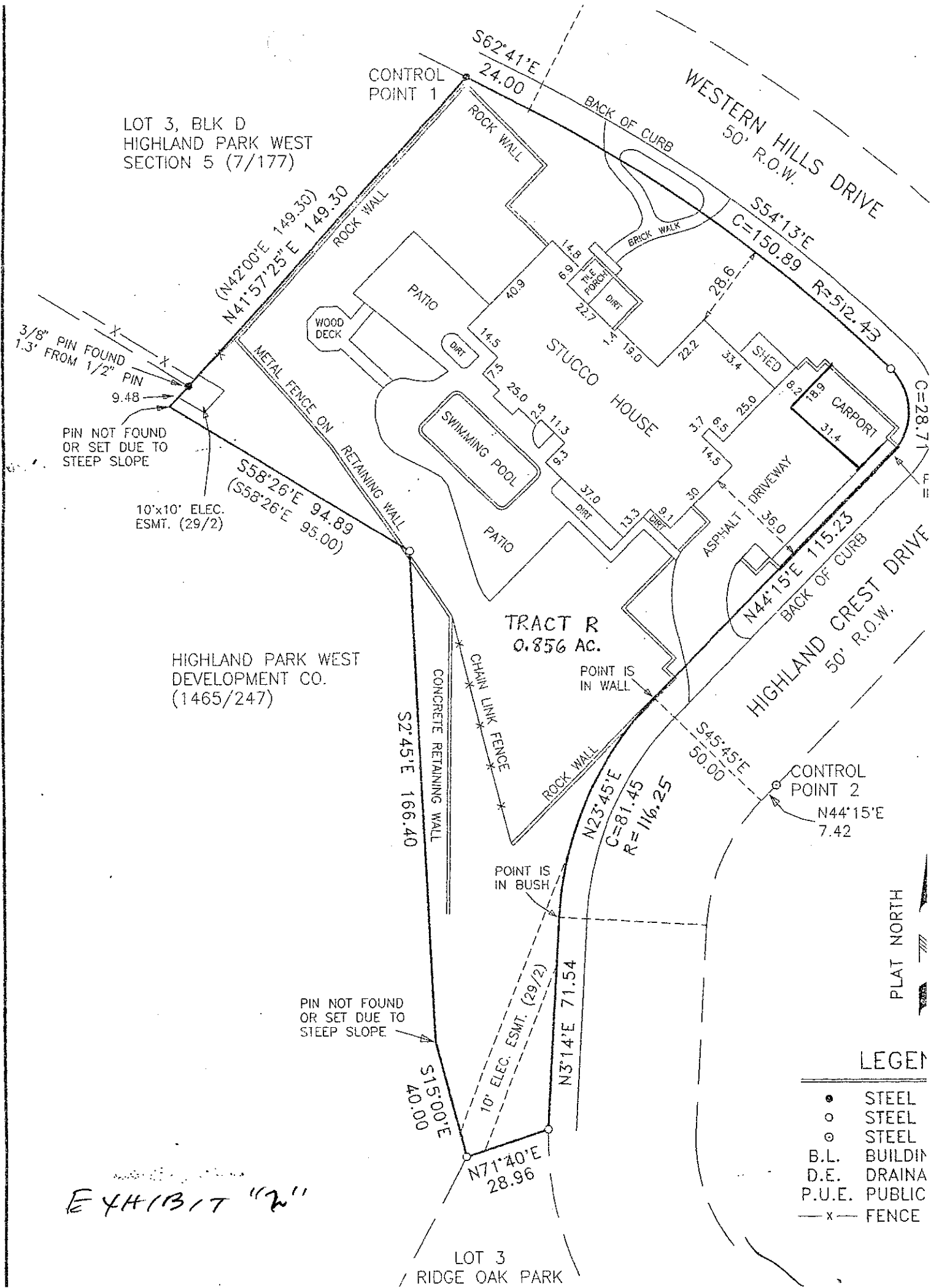


EXHIBIT "2"



EXHIBIT "3"



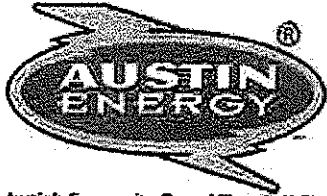
EXHIBIT "4"



EXHIBIT "5"



EXHIBIT "6"



City of Austin
Austin Energy

Town Lake Center • 721 Barton Springs Road • Austin, Texas
78704 - 1145

December 16, 2010

Mr. Sam R. Perry
Attorney at Law
P.O. Box 1409
Austin, Texas 78767-1409

Re: 5310 Western Hills Drive
Tract R, Western Hills Drive Resubdivision

Dear Mr. Perry,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to erect the existing carport. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6112.

Sincerely,

Christine Esparza
Public Involvement & Real Estate Services

Cc: Diana Ramirez and Susan Walker

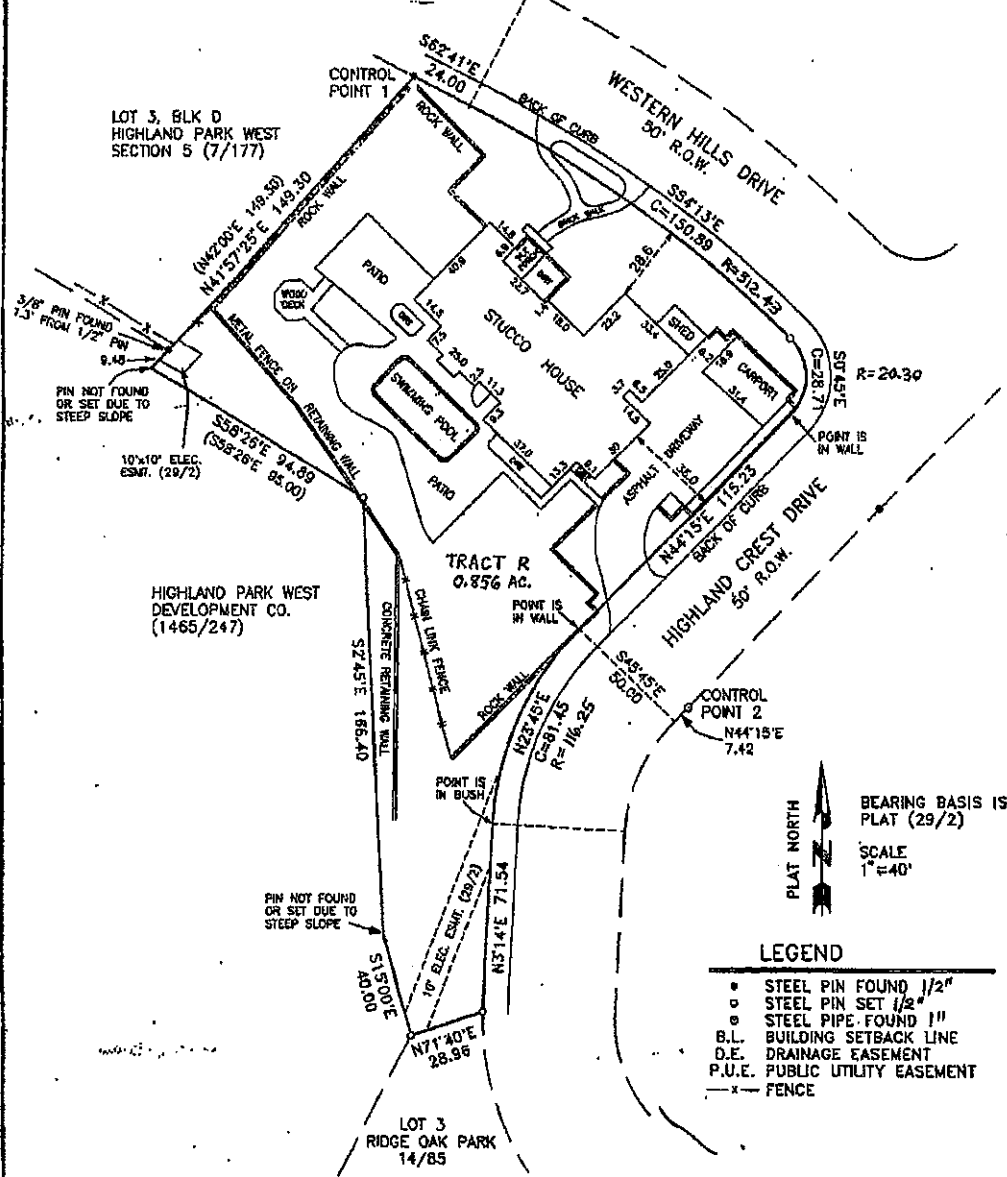


WATSON SURVEYING
9501 CAP OF TEX HWY, #303
AUSTIN, TEXAS 78759
PHONE (512) 346-2556

SURVEY PLAT OF:

REFERENCE: TRR-WHR.DWG
Alamo Title Co. CFS8038114

LOCAL ADDRESS: 5310 Western Hills Drive
Tract R
LEGAL DESCRIPTION: 5310, Block ---, Western Hills Drive Resubdivision.
A SUBDIVISION IN/NEAR THE CITY OF Austin, TEXAS AS RECORDED IN
BOOK 20, PAGE 2 OF THE Travis COUNTY PLAT RECORDS.



5310 Western Hills Drive

Improvements the variance requested before the Board of Adjustment. Any change to
as plat must be approved by Austin Energy.

AUSTIN ENERGY

[Signature]

12/16/2010

To Alamo Title Company, Dean Davis, Larry & Mary Ann Faulkner:

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONTACTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR SPOTS IN PLACE, EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEPAVED ROADWAY, EXCEPT AS SHOWN HEREON, AND THAT THIS SURVEY MEETS OR EXCEEDS THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

THIS PLAT IS SET BY A 100-FOOT FLOOD AREA
ADJACENT TO THE 100-FOOT FLOOD AREA
RAISE MAP COMMUNITY PANEL NUMBER.

48453C 0200 E, dated 8/16/03

DATED THIS 27 DAY OF APRIL, 1908

STUART W. WATSON, REGISTERED
PROFESSIONAL LAND SURVEYOR,
TEXAS LICENSE NUMBER 4490

EXHIBIT 1

SAM R. PERRY
ATTORNEY-AT-LAW
901 CONGRESS AVENUE
AUSTIN, TEXAS 78701

TELEPHONE (512) 494-3145
TELECOPIER (512) 476-1825

MAILING ADDRESS:
P.O. BOX 1409
AUSTIN, TEXAS 78767.1409

December 17, 2010

VIA HAND DELIVERY

Ms. Susan Walker, Planner
Board of Adjustment, City of Austin
505 Barton Springs Road, 2nd Floor
Austin, Texas 78704

Re: Faulkner Application for Variance

Dear Ms. Walker:

This letter and the attachments constitute the application on behalf of Larry R. Faulkner and Mary Ann Faulkner for a Variance to demolish and erect a carport on their property at 5310 Western Hills Drive, Austin, Texas 78731. The attachments are:

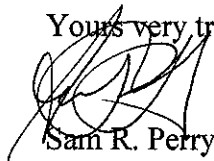
1. The Application for furnished by your office.
2. Exhibit "1", which is a survey plat showing all improvements on the property, including the carport in question.
3. Exhibit "2" is a slightly enlarged copy of a portion of that plat with the carport highlighted.
4. Exhibits "3" and 4 are current photographs of the existing carport taken from the inner parking area.
5. Exhibit "5" is a current photograph taken from Highland Crest Drive
6. Exhibit "6" is a current photograph taken from Western Hills Drive
7. My check payable to the City of Austin for \$360
8. Clearance from Austin Energy

The applicants seek only to replace the current carport with a new carport, that will be in the exact, same location as the current carport. I note that in the application, we say that the carport has "limited visibility" from the street or nearby properties. Exhibits "5" and "6" make it clear that that is an understatement, and that one must go to great efforts to even see the roof of the carport.

We respectfully request that the application be set for hearing and that on final hearing, the variance be granted.

Thank you and please call if you have a question or a comment.

Yours very truly,

A handwritten signature in black ink, appearing to be 'SRP' with a large loop and a trailing flourish.

Sam R. Perry